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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,183	09/25/2003	Eduard K. de Jong	SUN-040024	9848
24209 7590 09/21/2007 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER CHEN, QING	
			ART UNIT 2191	PAPER NUMBER
			MAIL DATE 09/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/672,183	Applicant(s) DE JONG, EDUARD K.	
	Examiner Qing Chen	Art Unit 2191	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-48.
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

WEI ZHEN
SUPERVISORY PATENT EXAMINER

Applicant's arguments are not persuasive.

In the remarks, Applicant argues that:

Macro, as it is used by Granger as well as those of skill in the art, is a notation that upon interpretation/execution causes a sequence of instructions to be performed that accomplish a result--generate a header or provide a format for a pseudo code instruction in Granger. There simply is no basis for interpreting a macro as a table, when Granger, as one of skill in the art, clearly and unambiguously teaches that the two are different entities and perform different functions.

Examiner's response:

In light of Applicant's arguments, the Examiner would like to further clarify that Granger et al. disclose selecting an instruction dispatch table based at least on said current instruction counter value (see Column 17: 8-12, "The internal data structure defines the instruction set of the EASM, and specifies which of the five instruction formats is to be used to encode the assembly language instruction into a 32-bit pseudocode instruction." and 14-21, "To add a new instruction to the EASM, the developer adds to this data structure a line which specifies the following: a text name of the instruction, a numeric opcode value, one of the five instruction formats (specified by a mapping macro), whether or not the instruction is immediate, and whether the operand is signed or unsigned. A similar data structure is used by the SPEC to process the instructions."; Column 18: 32-39, "When an ECODE data block is passed to the SPEC, the SPEC initially decrypts the header (block 130) to extract the initial PC setting, the number of arguments, and the key for decrypting data and instructions. Once the header has been decoded, the SPEC loads the registers (block 132) with any arguments and loads the PC with the line number of the first instruction to be fetched and executed." and 42-44, "Once an instruction has been retrieved, the instruction is decrypted (block 138) using the PC value and the key extracted from the header." and 48 and 49, "... the SPEC uses its internal data structure to decode the pseudocode instruction.").

In the remarks, Applicant argues that:

Further, the equating of token to an instruction counter is a further mischaracterization of the reference. As quoted above, the tokens are generated "if the EASM detects that the line includes an instruction, the EASM's line parser generates a sequence of numeric tokens." Thus, it is the instruction and not a value of any counter that determines what tokens are generated. Each of the tokens is associated with a portion of the instruction, "each of which represents an element (label, instruction type, operand, etc.) of the instruction line." The tokens are used to build a line of pseudocode that corresponds to the instruction.

Examiner's response:

Applicant's arguments are moot in view of the Examiner's response above.